

Armstrong Kellett Bartholow PC  
Gary A. Armstrong  
TX Bar No. 01316500  
11300 N. Central Expwy #301  
Dallas, TX 75243  
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ATTORNEY FOR DEBTOR

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE: Diane M. Davis	§	
	§	Case No. 09-42865
Debtor	§	
	§	
1037 Devonshire Dr	§	Chapter 13
Providence Village, TX 76227	§	
xxx-xx-8510	§	

**DEBTOR'S MOTION TO DISMISS CHAPTER 13 CASE**

Now comes Diane M. Davis, Debtor, and moves the Court pursuant to Bankruptcy Code section 1307(b) and Bankruptcy Rule 1017(f)(2) to voluntarily dismiss her Chapter 13 case, and in support thereof, would show the Court as follows:

**NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS MOTION WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR**

**AT THE HEARING YOUR OBJECTION MAY BE STRICKEN.  
THE COURT RESERVES THE RIGHT TO SET A HEARING  
ON ANY MATTER.**

1. The Debtor filed her case on September 11, 2009.
2. In early January 2011, the Debtor was told her position would be eliminated. She was laid off at that time with a severance package ending in March 2011. Despite her best efforts, the debtor has been unable to find a suitable position. Instead she has been subsisting on unemployment income and support from her parents.
3. Based on her current income and expenses, the debtor believes she is unable to confirm a chapter 13 plan.
4. Bankruptcy Code section 1307(b) provides that the Court shall dismiss a case on request of a debtor at any time.

Wherefore, premises considered Debtor prays the Court enter an order dismissing her case.

Respectfully submitted

/s/ Gary A. Armstrong  
Armstrong Kellett Bartholow PC  
Texas Bar No. 01316500  
11300 N. Central Expwy #301  
Dallas, TX 75243  
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ATTORNEY FOR DEBTOR

**BK Attorney Services, LLC**

BK Attorney Services, LLC  
PO Box 1028  
Davenport, WA 99122

**CERTIFICATE OF SERVICE**

DATE RECEIVED: Aug 08, 2011

TIME RECEIVED: 12:41PM

TOTAL SERVED: 25

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS**

**IN RE:** Davis, Diane M.

**CASE NO:** 09-42865

**CERTIFICATE OF  
SERVICE**

ATTORNEY/TRUSTEE: Armstrong Kellett Bartholow P.C.  
ADDRESS 11300 N Central Expy, Ste 301  
Dallas, Texas 75206  
PHONE 214-265-0808

On Tuesday, August 09, 2011, a copy of the following documents, described below,

**DEBTOR'S MOTION TO DISMISS CHAPTER 13 CASE**

were deposited for delivery by the United States Postal Service, via first class United States Mail, postage prepaid, first class, with sufficient postage thereon to the parties listed on the mailing list attached hereto and incorporated as though fully set forth herein.

The undersigned does hereby declare under penalty of perjury that I have served the above referenced document(s) on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: August 9, 2011

/s/ Elizabeth Harlan

Elizabeth Harlan, BK Attorney Services, LLC  
An Authorized Notice Provider for  
the United States Bankruptcy Courts

Label Matrix for local noticing  
0540-4  
Case 09-42865  
Eastern District of Texas  
Sherman  
Tue Aug 9 10:08:40 CDT 2011

American Express  
P.O. Box 981535  
El Paso, TX 79998-1535

Ameriprise Bank, FSB  
POB 3001  
Malvern, PA 19355-0701

Armstrong Law Firm  
5646 Milton St Ste 711  
Dallas, TX 75206-3935

Janna L. Countryman  
P. O. Box 941166  
Plano, TX 75094-1166

(p)DISCOVER FINANCIAL SERVICES LLC  
PO BOX 3025  
NEW ALBANY OH 43054-3025

HSBC Bank Nevada, N.A.  
c/o James W. King  
6420 Wellington Place  
Beaumont, TX 77706-3206

James W. King  
Offerman & King, L.L.P.  
6420 Wellington Place  
Beaumont, TX 77706-3206

Nordstrom fsb  
PO Box 6566  
Englewood, CO 80155-6566

(p)PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

Advanta Bank Corp., a Utah Industrial Bank  
by PRA Receivables Management, LLC  
PO Box 12907  
Norfolk VA 23541-0907

American Express Bank, FSB  
POB 3001  
Malvern, PA 19355-0701

~~Gary A. Armstrong~~  
~~Armstrong Law Firm~~  
~~11300 N Central Expy~~  
~~Suite 301~~  
~~Dallas, TX 75243-6738~~

Theodore Bartholow  
11300 N. Central Expressway  
Suite 301  
Dallas, TX 75243-6738

DISCOVER BANK  
DFS Services LLC  
PO Box 3025  
New Albany, Ohio 43054-3025

Great Indoors Mastercard  
PO Box 6282  
Sioux Falls, SD 57117-6282

HSBC Bank Nevada, N.A.  
Bass & Associates, P.C.  
3936 E. Ft. Lowell Rd, Suite 200  
Tucson, AZ 85712-1083

Neiman Marcus  
PO Box 729080  
Dallas, TX 75372-9080

PRA Receivables Management LLC  
POB 41067  
Norfolk, VA 23541-1067

Recovery Management Systems Corporation  
25 S.E. Second Avenue  
Suite 1120  
Miami, FL 33131-1605

Advanta Business Card  
P.O. Box 30715  
Salt Lake City, UT 84130-0715

Ameriprise Bank  
834 Ameriprise Financial Ctr  
Minneapolis, MN 55474-0008

Armstrong Kellett Bartholow, PC  
11300 N. Central Expwy, Ste 301  
Dallas, TX 75243-6738

Patti H. Bass  
Bass & Associates  
3936 E. Ft. Lowell Rd. Suite 200  
Tucson, AZ 85712-1083

Diane M. Davis  
1037 Devonshire Dr  
Providence Village, TX 76227-7497

Jay L. Gueck  
Olson Nicoud & Gueck, L.L.P.  
1201 Main Street, Suite 2470  
Dallas, TX 75202-3902

Janna Countryman  
Standing Chapter 13 Trustee  
PO Box 941166  
Plano, TX 75094-1166

Nordstrom Visa  
PO Box 13589  
Scottsdale, AZ 85267-3589

PRA Receivables Management, LLC  
As Agent Of Portfolio Recovery Assocs.  
POB 41067  
NORFOLK VA 23541-1067

Recovery Management Systems Corporation  
25 S.E. 2nd Avenue, Suite 1120  
Miami, FL 33131-1605

Roundup Funding, LLC  
MS 550  
PO Box 91121  
Seattle, WA 98111-9221

Sears Gold Mastercard  
PO Box 6282  
Sioux Falls, SD 57117-6282

Mark Stromberg  
Stromberg Stock  
Two Lincoln Center  
5420 LBJ Freeway, Suite 300  
Dallas, TX 75240-6271

TARGET NATIONAL BANK  
C O WEINSTEIN AND RILEY, PS  
2001 WESTERN AVENUE, STE 400  
SEATTLE, WA 98121-3132

Target National Bank  
c/o Target Credit Services  
PO Box 1581  
Minneapolis, MN 55440-1581

U.S. Attorney General  
Department of Justice  
Main Justice Building  
10th & Constitution Ave., NW  
Washington, DC 20530-0001

~~US Trustee  
Office of the U.S. Trustee  
110 N. College Ave.  
Suite 300  
Tyler, TX 75702-7231~~

~~United States Trustee  
110 N College Ave Ste 300  
Tyler, TX 75702-7231~~

Wells Fargo Home Mortgage  
PO Box 10335  
Des Moines, IA 50306-0335

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Discover Card  
PO Box 30943  
Salt Lake City, UT 84130

Portfolio Recovery Associates, LLC  
PO Box 41067  
Norfolk, VA 23501-1067

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Ameriprise Bank, FSB

(d)HSBC Bank Nevada, N.A.  
Bass & Associates, P.C.  
3936 E. Ft. Lowell Rd, Suite 200  
Tucson, AZ 85712-1083

(d)Roundup Funding, LLC  
MS 550  
PO Box 91121  
Seattle, WA 98111-9221

End of Label Matrix  
Mailable recipients 38  
Bypassed recipients 3  
Total 41